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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/006,072	CLEM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J. Moore, Jr.	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 10/24/06.
2. ☒ The allowed claim(s) is/are 5-24 (renumbered 1-20, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven C. Sereboff (Reg. No. 37,035) on 10/24/06.

The application has been amended as follows:

In claim **5**, on line 10, after the limitation, "wherein the frames and messages are processed simultaneously", insert --wherein the messages do not pass through the crossbar.--

In claim **10**, on line 10, insert the word --the-- before the word "passing".

In claim **10**, on line 11, after the word "crossbar", insert --, wherein the messages do not pass through the crossbar.--

In claim **15**, on line 10, delete ", simultaneously with passing the messages,".

In claim **15**, on line 11, after the word "crossbar", insert --, wherein the messages do not pass through the crossbar and wherein the means for switching the frames is configured to operate simultaneously with the means for passing the messages.--

In claim **20**, on line 4, replace phrase "determining whether" with --analyzing--.

In claim **20**, on line 4, delete "is a message or frame".

In claim **20**, on line 10, after "destination port", insert --, wherein the message does not pass through the crossbar switch--.

***Drawings***

1. Replacement drawings were received on 6/1/06. These drawings are acceptable and have been entered.

***Allowable Subject Matter***

2. Claims **5-24** (*renumbered 1-20, respectively*) are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding claims **5, 10, and 15**, *Dai et al. (U.S. 6,658,016) (hereinafter "Dai")* teaches a packet switching fabric 10 in Figure 1 that transmits bursts of data as well as control messaging as spoken of on column 6, lines 27-51.

*Dai* also teaches control ring 25 in Figure 1 that connects control ring input ports 22 and control ring output ports 26 that are used for receiving and transmitting control messages as spoken of on column 6, lines 41-51.

*Dai* also teaches packet transfer switching device 12 in Figure 1 that switches data from data ring input port 16 to data ring output port 20 as spoken of on column 6, lines 36-41.

*Dai* also teaches the transmitting of control messages via control ring 25 to manage bandwidth resources of data ring segments 18 of data ring 19 as data is transferred via the data ring as spoken of on column 8, line 63 – column 9, line 4.

*Dai* as well as the other prior art of record fail to teach that while frames (consisting of relatively long strings of bytes) are switched from input ports to output ports via a crossbar, messages (consisting of small entities) are passed around a ring of plural data ports, where these messages "do not pass through the crossbar".

Regarding claims **6-9**, these claims are further limiting to claim **5** and are thus also allowable over the prior art of record.

Regarding claims **11-14**, these claims are further limiting to claim **10** and are thus also allowable over the prior art of record.

Regarding claims **16-19**, these claims are further limiting to claim **15** and are thus also allowable over the prior art of record.

Regarding claim **20**, *Dai* teaches a packet switching fabric 10 in Figure 1 that transmits bursts of data as well as control messaging as spoken of on column 6, lines 27-51.

*Dai* also teaches the transmission of data via packet transfer switching devices 12 and data ring 19 of Figure 1 as spoken of on column 6, lines 36-41.

*Dai* also teaches the transmission of control messages via control ring 25 of Figure 1 containing control ring input ports 22 and control ring output ports 26.

*Dai* also teaches a destination device ID field of control messages transmitted via control ring output ports 26 as spoken of on column 9, lines 15-23.

*Dai* as well as the other prior art of record fail to teach that while a frame (consisting of relatively long strings of bytes) is routed through a crossbar switch, a message (consisting of small entities) is passed around a ring of plural data ports from port to port, where this message “does not pass through the crossbar switch”.

Regarding claims **21-24**, these claims are further limiting to claim **20** and are thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

4. Applicant's arguments, see the Appeal Brief, filed 8/9/06, with respect to claims **5-24** in view of *Dai* have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:00am - 4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Moore, Jr.  
Examiner  
Art Unit 2616

mjm MM

*Seema S. Rao*  
SEEMA S. RAO 10/30/06  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600